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U.S. Patent Application Serial No. 10/798,181  
Reply to Office Action of April 4, 2007**Remarks:****Summary of the Amendments**

Applicant has read and considered the Office Action dated April 4, 2007 and the references cited therein. Claims 2 and 3 were previously cancelled. Claims 1 and 4 are currently pending.

Independent claim 1 has been amended to clarify the subject matter being claimed.

Applicant respectfully submits that support for the above amendments exists in the specification as originally filed and that no new matter has been added to the application. The Examiner's attention is directed at least to paragraph [0026] and Figure 5.

**Claim 1**

On page 2 of the Office Action, claim 1 was rejected under 35 U.S.C. § 103(a) as being obvious over United States Patent No. 4,213,728 (MCKENZIE) in view of United States Patent No. 3,536,161 (CLARKE) and United States Patent No. 3,874,719 (GOYARTS).

The Office Action states that in order to establish a *prima facie* case of obviousness, three criteria must be considered: (1) there must be some suggestion or motivation, either in the references themselves or in the knowledge generally available to one of ordinary skill in the art, to modify the reference or to combine the reference teachings, (2) there must be a reasonable expectation of success, and (3) the prior art references must teach or suggest all of the claim limitations. MPEP §§ 706.02(j), 2142 (8<sup>th</sup> ed.).

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In response to the above rejection in view of MCKENZIE, CLARKE and GOYARTS, the Applicant has amended claim 1 and respectfully submits that none of these documents, either alone or in combination, teach or suggest all of the claim limitations of amended claim 1.

Hydraulic cylinders housed within substantially vertical beams

On page 3 of the Office Action, in section 2.2(a), it is acknowledged that MCKENZIE fails to teach "lifting members housed in a vertical beam fastened to the frame". On page 4, in section 2.3(a), the Office Action has relied upon CLARKE to provide this limitation, stating that it teaches "lifting members housed in vertical beams 15-18".

In section 6.1(a), the Office Action states that the Applicant's previous arguments with respect to the subject matter of former claim 2, now incorporated in claim 1, are not persuasive and that Clarke teaches the limitation "wherein each of said lifting members are housed in a corresponding substantially vertical beam" since the claim "fails to recite any other claim language providing any specific details about the lifting members' position with respect to the beams, such as, for example, "within the hollow of the lifting members" "(p. 6).

The Examiner's attention is respectfully directed to the following limitations of amended claim 1:

A trailer for transporting a container... comprising:

a generally U-shaped frame,

a plurality of retractable lifting members,

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wherein said lifting members comprise a hydraulic cylinder provided with a lifting hook,  
... and

wherein each of said hydraulic cylinders are housed within a corresponding substantially vertical beam fastened to said frame,

Claim 1 has been amended in order to specifically recite "each of said hydraulic cylinders are housed within a corresponding substantially vertical beam". Applicant respectfully submits that CLARKE does not disclose, teach or suggest the above-emphasized limitation of amended claim 1.

Rather, CLARKE teaches a frame 10 comprising four rigid legs 15-18 at respective corners of the frame, and four corresponding travelers 22-25 "in the form of sleeves ... to receive the respective leg [15-18] and permit the traveler [22-25] to move longitudinally of the leg, i.e. vertically" (col. 1, line 75 – col. 2, line 2). Each traveler 22-25 is placed around a respective leg 15-18 and fixed to the bottom end of a hydraulic cylinder 28, which in turn is fixed at its top end to the frame 10. As illustrated clearly in the Figures, the hydraulic cylinders 28 are positioned not within, as recited in amended claim 1, but beside the legs 15-18.

As such, Applicant respectfully submits that CLARKE does not disclose, teach or suggest "hydraulic cylinders [which] are [each] housed within a corresponding substantially vertical beam", as recited in claim 1. Applicant further submits that MCKENZIE and GOYARTS are also both equally silent on this limitation of the claim. Applicant asserts that none of the cited references teach or suggest this limitation.

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Lifting hooks biased inward with respect to the frame

On page 3 of the Office Action, in section 2.2(e), it is acknowledged that MCKENZIE fails to teach "lifting members with inwardly biased lifting hooks". On page 4, in section 2.4(a), the Office Action has relied upon GOYARTS to provide this limitation, stating that it teaches "inwardly biased lifting hooks 194".

The Examiner's attention is respectfully directed to the following limitations of amended claim 1:

A trailer for transporting a container ... comprising:

a plurality of retractable lifting members, each retractable lifting member being positioned proximate a lifting hole of said container when said container is received within said frame,

wherein said lifting members comprise a hydraulic cylinder provided with a lifting hook, said lifting hook being biased inward with respect to the frame, and

wherein when said cylinders are extended, said lifting hooks reach said bottom end of said vertical slot and said inward biasing causes said hooks to deploy outside of said vertical slot until contact with said lifting hole of said container,

Applicant respectfully submits that GOYARTS does not disclose, teach or suggest the above-emphasized limitation of amended claim 1. Rather, GOYARTS teaches a carrier 10 including a spreader frame 58 having hook assemblies 192 provided at each end of a pair of end beams 66 and 68. The hook assemblies 192 "are together adapted to engage from the side any one of a plurality of container corner casting configurations" (col. 7, lines 9-11). As illustrated in

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Figure 5, a "hook assembly 192 is mounted in beam end 66 with the hook member 194 extending downwardly and inwardly" (col. 7, lines 26-28). In order to engage and disengage a container, "the hook member 194 may be pivoted in and out on pin 200 by a small double-acting cylinder 204 pivotally connected to the upper end of the hook" (col. 7, lines 33-35).

In other words, for the hook members 194 to pivot inwardly, a user must purposefully actuate the double-acting cylinders 204 so that they extend and thereby push the hooks 194 towards the container. Once the hook members 194 have engaged the container, the user is then able to raise or lower the container by extending and retracting a separate set of cylinders 50 and 52 within lifting arches 54 and 56 that straddle the spreader frame. In order to disengage the hook members 194 from the container, the user will retract the double-acting cylinders 204, thereby pivoting the hooks 194 in the opposite direction. As will be appreciated, GOYARTS is completely silent on the concept of a hook being "biased", which implies a substantially constant force being applied to an object (in this case the hook) urging it in a particular direction (in this case inward with respect to the frame).

As such, Applicant respectfully submits GOYARTS does not disclose, teach or suggest hydraulic cylinders provided with lifting hooks which are "biased inward with respect to the frame" such that when "said cylinders are extended, said lifting hooks reach [the] bottom end of [a] vertical slot and said inward biasing causes said hooks to deploy outside of said vertical slot", as recited in claim 1. The Applicant further submits that MCKENZIE and CLARKE are also both equally silent these features of the claim. Applicant asserts that none of the cited references teach or suggest this limitation.

Hooks translate vertically along predetermined length of a vertical slot

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On page 3 of the Office Action, in section 2.1(f), the Examiner has stated that MCKENZIE teaches "a trailer ... where each vertical beam includes a vertical slot". In section 2.2(e)(i), the Office Action acknowledged that MCKENZIE fails to teach "lifting members ... located within a vertical beam below the bottom end of a slot when lifting members are in an inoperative position". On page 4, in section 2.4(a)(ii), the Office Action stated that GOYARTS teaches "inwardly biased lifting hooks 194 that ... deploy outside of a slot" and that therefore it would have been obvious "to modify the lifting members and vertical beams of MCKENZIE in GOYARTS in order to hook and lift a container until a top portion the container contacts a bottom portion of each top cross member".

The Examiner's attention is respectfully directed to the following limitations of amended claim 1:

A trailer for transporting a container:

wherein each of said vertical beams include a vertical slot having a predetermined length,

wherein when said cylinders are extended, said lifting hooks reach said bottom end of said vertical slots and said inward biasing causes said hooks to deploy outside of said vertical slot until contact with said lifting holes of said container, and

wherein said lifting hooks engage said lifting holes and lift said container while translating vertically along said predetermined lengths until a top portion of said container contacts a bottom portion of each of said top cross member.

The Applicant respectfully submits that GOYARTS does not disclose, teach or suggest the above-emphasized limitations of amended claim 1. Rather, and as discussed above, GOYARTS only teaches spreader frame 58 having hooks 192 positioned at either end of

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transverse end beams 66 and 68. The hooks 192 are deployed inwardly, toward a container through an opening 196 at the end of each end beam 66 and 68 and the transverse beams 66 and 68 are then raised and lowered as desired. As will be appreciated, GOYARTS is completely silent on hooks that are deployed outside of a vertical slot, and then lift a container while translating vertically along the slot's predetermined length.

As such, Applicant respectfully submits GOYARTS does not disclose, teach or suggest lifting hooks which "engage [the] lifting holes and lift [the] container while translating vertically along [the] predetermined lengths [of the vertical slots] until a top portion of [the] container contacts a bottom portion of each of said top cross member", as claimed in claim 1. Applicant further submits that MCKENZIE and CLARKE are also both equally silent these features of the claim.

In view of the foregoing, Applicant respectfully submits that neither MCKENZIE, CLARKE, nor GOYARTS, either alone or in combination, teach or suggest all of the limitations of amended claim 1. Accordingly, claim 1 is considered to be novel and inventive over the teaching of the cited prior art and consequently in condition for allowance.

#### Claim 4

Claim 4 was rejected under 35 U.S.C. § 103(a) as being unpatentable in view of MCKENZIE, CLARKE, GOYARTS and United States Patent No. 3,724,695 (TAYLOR).

Claim 4 depends from amended claim 1 and therefore includes all the limitations of that claim. As such, claim 4 is also considered novel and inventive over MCKENZIE, CLARKE and GOYARTS. TAYLOR teaches only a dumping trailer and Applicant further submits that those limitations found absent in MCKENZIE, CLARKE and GOYARTS are also absent from

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TAYLOR. Accordingly, claim 4 is considered to be novel and inventive over the teaching of the cited prior art, and consequently in condition for allowance.

**CONCLUSION**

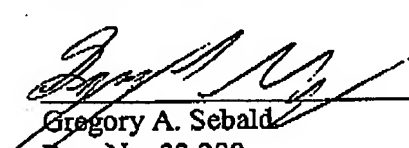
In view of the foregoing, Applicant asserts that claims 1 and 4 are now in allowable form. Favorable reconsideration is requested. The allowance of this application is earnestly solicited. If the Examiner feels that a telephone interview may be helpful in this matter, please contact Applicant's representative at (612) 336-4728.



Respectfully submitted,

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